

**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WASTE MANAGEMENT COUNCIL**

DOCKET #03-05 WMC

IN RE: NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.

Standard Permit No. DES-SW-SP-03-002

MOTION TO EXTEND TIME AND FOR CONTINUANCE

The Town of Bethlehem, (the "Town") by and through its counsel, Boutin & Associates, P.L.L.C., files this Motion to Extend Time and for Continuance of the above-entitled Appeal to the Waste Management Council ("WMC") and in support thereof states:

1. A hearing on the above-entitled matter is scheduled for Thursday, May 22, 2003 at 11:00 a.m. in Room 112.
2. On May 6, 2003 the Town filed a Motion to Continue the Appeal until which time NCES appeals and the New Hampshire Supreme Court decides the recent ruling in the Grafton County Superior Court (NCES v. Town of Bethlehem, Docket #01-E-0177).
3. The intervener's, NCES, response is not due until today.
4. The intervener, NCES, also filed a Motion to Dismiss the Appeal, dated May 7, 2003, which the Town received on May 9, 2003 and to which a response is not due until May 14, 2003.
5. Pursuant to Env-WMC 203.15, pleadings, findings and rulings, and supplemental materials would have been due today, May 12, 2003.

6. A key witness for the Town, i.e. Thomas Roy, who serves as the Town's Engineer, will not be available on the 22nd, as he has just been called out of town on important business for that day.

7. With the pending motions, the Town now asks for more time to file its supplemental materials under Env-WMC 203.15, and under Env-WMC 203.09 requests an extension of time to file those materials.

8. The Town also asks for more time to file its objection to NCES's Motion to Dismiss, specifically until Friday, May 16, 2003.

9. With the unavailability of a key witness for the Town, the Town now asks for a continuance from the May 22, 2003 scheduled hearing.

10. The undersigned counsel sought assent to the filing of this Extension of Time and Continuance from NCES's counsel, Bryan Gould, but he was unavailable.

11. The undersigned counsel also sought assent from Maureen D. Smith, Senior Assistant Attorney General and counselor of record for the DES, but she was unavailable.

WHEREFORE, The Town of Bethlehem requests:

A. If the Council does not grant the Town's original Motion to Continue, then grant this continuance and extend the time pursuant to Env-WMC 203.25 and Env-WMC 203.09 respectively; and

B. For other relief that may be just.

Respectfully submitted,

TOWN OF BETHLEHEM

By Its Attorneys,

BOUTIN & ASSOCIATES, P.L.L.C.

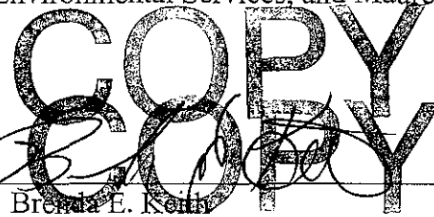
Date: May 12, 2003

By 
Brenda E. Keith
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(603) 432-9566

CERTIFICATE OF SERVICE

I, Brenda E. Keith, Esquire, hereby certify that I made service of the foregoing Motion to Extend Time and for Continuance by hand-delivering a copy of the same to: Robert Monaco, Acting Commissioner New Hampshire Department of Environmental Services, Dr. Philip O'Brien, Director of Waste Management Division, Michael Guilfooy, Acting Section Supervisor, Waste Management Division, Town of Bethlehem, and, via E-mail and U.S. Post to: Bryan K. Gould, Esquire, counsel for North Country Environmental Services, and Maureen Smith, Attorney General's Office.

Date: May 12, 2003


Brenda E. Keith